

Notice of Allowability

Application No.

09/589,414

Examiner

Quang N. Nguyen

Applicant(s)

KAHVECI ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/2004.
2. ☒ The allowed claim(s) is/are 1,4,5,8-21,24-30 and 40-46.
3. ☒ The drawings filed on 16 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Examiner's Amendment

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment maybe filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Pursuant to MPEP 606.01, the title has been changed to read:

-- METHOD AND COMPUTER SYSTEM FOR MANAGING DATA EXCHANGES
AMONG A PLURALITY OF NETWORK NODES IN A MANAGED PACKET
NETWORK --

3. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 10/28/2004, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Herman et al. (US 6,341,353), teach a Transactor Server 20 (*a management server*) provides transaction and ownership authentication to their clients (*disposed to communicate with and control resource among a plurality of network nodes*), i.e.,

Transactor users such as consumer end-users 30 (*Customer Premises Equipment CPE*) and game servers 50 (*Application Service Provider ASP*), wherein the consumers can register as Transactor users by filling out a registration form identifying his or her charge/bank account information to get the accounts setup (*CPE/ASP transmitting registration requests to MPBS comprising profiles*) (Herman, Figs. 2-3, C4: L53-61 and C6: L1-26).

Tracton et al. (US 6,470,378), teach a method and system for dynamic content customization in a client/server environment, wherein a request is received from a client having certain capabilities (*i.e., client profile can include detailed information about the client architecture and network configuration such as network theoretical-speed, actual-throughput, network type (e.g., TCP/IP, IPX, AppleTalk), routing data, firewall latency, etc.*) and this request is automatically satisfied in a manner tailored to the capabilities of the client by appropriately scaling the original resource content according to the client capabilities indicated in the profile or redirect the client to certain web locations depending on the client's characteristic profile (*i.e., reserving resource for communications with the client*) (Tracton, Abstract and C5: L30-65).

However, the prior art of record fails to teach or suggest individually or in combination that a communication method and system for managing data exchanges among a plurality of network nodes in a managed packet network comprising: a managed packet backbone server (MPBS) disposed to communicate with and control resource allocation among the plurality of network nodes in the managed packet network; at least one Customer Premises Equipment (CPE) node

communicable with the managed packet backbone server (MPBS), wherein said at least one CPE node transmits a registration request to the MPBS comprising a CPE profile; at least one Application Service Provider (ASP) node communicable with the managed packet backbone server (MPBS), wherein said at least one ASP node transmits a registration request to the MPBS comprising a ASP profile; wherein the managed packet backbone server (MPBS) manages transactions among said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node and reserves resources among the plurality of network nodes in the managed packet network to provide managed data communications between said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node as set forth in independent claims 1, 19-21, 24-27 and 29. Claims 1, 4, 5, 8-21, 24-30 and 40-46 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's arguments on pages 16-17 of the Remarks filed on 10/28/2004 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention (wherein each of the claimed embodiments of the present invention is directed to management of resources on a managed packet backbone network where the network nodes are managed by a server that reserves resources at the network nodes through which the managed data communication session will occur, see Remarks: page 17, lines 3-11) including a managed packet backbone server (MPBS) disposed to communicate with and control resource allocation among the plurality of network nodes in the managed


packet network, wherein the managed packet backbone server (MPBS) manages transactions among said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node and reserves resources among the plurality of network nodes in the managed packet network to provide managed data communications between said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node,
as claimed in the invention to allow the Network Access Providers and Application Service Providers with the assistance of a managed packet backbone server (MPBS) to optimize providing managed data communications in a managed packet backbone network between the CPEs and ASPs while maintaining control and security over bandwidth and content delivered (*i.e., delivering and metering high bandwidth multi-media content and services from Application Service Providers to subscribers utilizing a managed packet backbone network*) (see Fig. 1 and Summary of the Invention).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Examiner's Amendment."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER